

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

CARL D. BUTLER,)
vs. Plaintiff,)
CAROLYN W. COLVIN¹, Acting)
Commissioner Social Security)
Administration,)
Defendant.) CIV-12-319-FHS-KEW

ORDER

On March 11, 2014, the United States Magistrate Judge for this District filed Findings and Recommendations in this case. No objection was filed so the Findings are deemed confessed.

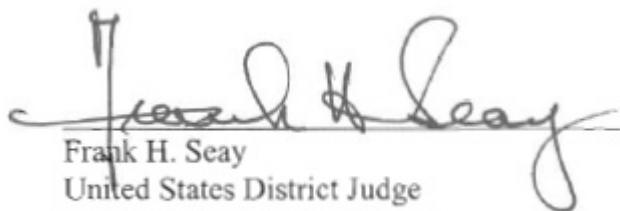
The Findings and Recommendations suggest that the decision of the Commissioner be reversed and that Defendant be ordered to restore Claimant's benefits, and that Claimant be awarded an amount equal to the benefits that would have been paid from the date of termination. This Court finds the Findings of the Magistrate Judge applied the proper standards and documents numerous references to the record which support the recommendation of the Magistrate Judge that the Secretary's decision be **REVERSED** and Claimant's benefits be restored, and

¹The Court has been informed by Defendant that on February 14, 2013, Carolyn W. Colvin became the Acting Commissioner of Social Security. Pursuant to Rule 25 (d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin is automatically substituted for Michael J. Astrue as the defendant in this action. Thus, this suit will proceed with this substitution in effect. See 42 U.S.C. Sec. 405 (g) ("Any action instituted in accordance with this subsection shall survive notwithstanding any change in the person occupying the office of Commissioner of Social Security or any vacancy in such office.")

Claimant be awarded an amount equal to the benefits that would have been paid from the date of termination.

Upon consideration of the entire record and the issues herein, this Court finds and orders that the Findings and Recommendations of the United States Magistrate Judge be **SUSTAINED** and adopted by this Court as this Court's Findings and Order. Accordingly, this case is **REVERSED**, Defendant is ordered to restore benefits to Claimant and Claimant be awarded an amount equal to the benefits that would have been paid from the date of termination.

IT IS SO ORDERED this 28th day of March, 2014.



Frank H. Seay
United States District Judge
Eastern District of Oklahoma